

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Board of Zoning Adjustment**



**Application No. 20303 of Government Properties Income Trust LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the penthouse use requirements of Subtitle C § 1500.3(c), and under the Capitol Security Sub-Area requirements of Subtitle I § 605.6, to renovate an office building to a mixed-use building with a rooftop restaurant in the D-3 Zone at premises 20 Massachusetts Avenue, N.W. (Square 626, Lot 78).

**HEARING DATE:** November 4, 2020  
**DECISION DATE:** November 4, 2020

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.<sup>1</sup>

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commissions ("ANC") 6C and 6E (the adjacent ANC).

ANC Reports. The ANC 6C report, dated November 3, 2020, indicated that at a regularly scheduled, properly noticed public meeting on September 9, 2020, at which a quorum was present, ANC 6C voted to support the application with one condition prohibiting the amplification of music on the roof terrace. (Exhibit 41.)

The report from adjacent ANC 6E, dated November 1, 2020, indicated that at a regularly scheduled, properly noticed public meeting on October 6, 2020, at which a quorum was present, ANC 6E also voted to support the application. (Exhibit 38.)

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<sup>1</sup> The Board waived the requirements of Subtitle Y § 402.1(a) because notice was provided in the *DC Register* less than 40 days. However, all other forms of notice were provided, and no prejudice resulted to any party.

**BZA APPLICATION NO. 20303**  
**PAGE NO. 2**

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 36.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application on the condition that the Applicant implement the Transportation Demand Management (“TDM”) Plan, as proposed by the Applicant in the September 16, 2020 Transportation Statement (Exhibit 31A), for the life of the project, unless otherwise noted. (Exhibit 35.) The Board adopted these conditions as part of this order.

Other Public Input. An unofficial letter (unsigned) was offered into the record in support of the Application from the Architect of the Capitol (“AOC”). The Board accepted the letter, and allowed one week for the letter to be replaced with a signed copy. However, no further filing was submitted from the AOC.

**Special Exception Relief**

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under the penthouse use requirements of Subtitle C § 1500.3(c), and under the Capitol Security Sub-Area requirements of Subtitle I § 605.6, to renovate an office building to a mixed-use building with a rooftop restaurant in the D-3 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT to the REVISED APPROVED PLANS<sup>2</sup> AT EXHIBIT 32A – REVISED PLANS and ELEVATIONS, and SUBJECT to the following CONDITIONS:**

A. The Applicant shall implement the TDM Plan, proposed in their Transportation Statement,

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<sup>2</sup> In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

**BZA APPLICATION NO. 20303**  
**PAGE NO. 3**

dated Sept. 16, 2020 (Exhibit 31A), for the life of the project, unless otherwise noted.

1. The Applicant shall identify Transportation Coordinators for the planning, construction, and operations phases of development. There shall be a Project Transportation Coordinator as well as a Transportation Coordinator for each site use (office, hotel, and retail). The Transportation Coordinators shall act as points of contact with DDOT, goDCgo, and Zoning Enforcement.
2. The Applicant shall provide Transportation Coordinators' contact information to goDCgo, conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year. All employer tenants shall survey their employees and report back to the Transportation Coordinator.
3. The Applicant shall ensure Transportation Coordinators develop, distribute, and market various transportation alternatives and options to employees and patrons, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on the property website and in any internal building newsletters or communications.
4. The Applicant shall ensure Transportation Coordinators receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan.
5. The Applicant shall ensure Project Transportation Coordinators require, by lease or other agreement, that tenants with 20 or more employees on-site comply with the DC Commuter Benefits Law and participate in at least one of the three transportation benefits outlined in the law (employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as any other commuter benefits related laws that may be implemented in the future.
6. The Applicant shall provide a minimum of six (6) showers and 46 lockers for use by employees, complying with the ZR16 requirements for this project, based on its gross floor area and minimum required number of long-term bicycle parking spaces.
7. The Applicant shall provide 82 long-term and up to 40 short-term bicycle parking spaces free of charge to employees. This meets or exceeds the ZR16 requirements of 82 long-term spaces and 16 short-term spaces for this project.
8. The Applicant shall provide storage for two (2) child trailers/strollers and two (2) tandem bikes in the long-term bicycle storage room.
9. The Applicant shall provide outlets for charging electric bicycles and a bicycle repair station in the long-term bicycle storage room.

For the office portion of the project, the Applicant shall implement the following:

10. The Applicant shall unbundle the cost of parking from the cost to lease an office unit.
11. The Applicant shall notify goDCgo each time a new office tenant occupying more than 15% of the leasable area of the project moves in and provide TDM information to each tenant as they move in.
12. The Applicant shall provide links to [CommuterConnections.com](http://CommuterConnections.com) and [goDCgo.com](http://goDCgo.com) on

property websites.

13. The Applicant shall ensure the Transportation Coordinator implements a carpooling system such that individuals working in the building who wish to carpool can easily locate other employees who live nearby.
14. The Applicant shall distribute information on the Commuter Connections Guaranteed Ride Home (GRH) program, which provides commuters who regularly carpool, vanpool, bike, walk, or take transit to work with a free and reliable ride home in an emergency.
15. The Applicant shall provide employees who wish to carpool with detailed carpooling information and shall refer them to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future.
16. The Applicant shall designate up to five (5) of the total 186 proposed parking spaces as preferential carpooling spaces in a convenient location within the parking garage for employee use.

For the retail portion of the project, the Applicant shall implement the following:

17. The Applicant shall unbundle the cost of parking from the cost to lease an office unit.
18. The Applicant shall post “getting here” information in a visible and prominent location on the website with a focus on nonautomotive travel modes. Also, links shall be provided to goDCgo.com, CommuterConnections.com, transit agencies around the metropolitan area, and instructions for customers, attendees, and patrons discouraging parking on-street in Residential Permit Parking (RPP) zones.
19. The Applicant shall provide employees who wish to carpool with detailed carpooling information and shall refer them to other carpool matching services sponsored by MWCOG or other comparable service if MWCOG does not offer this in the future.

For the hotel portion of the project, the Applicant shall implement the following:

20. The Applicant shall require that front office and customer-facing staff are provided training by goDCgo (either in-person or webinar) to learn of the non-automotive options for traveling to the property.
21. The Applicant shall provide guests with goDCgo’s Get Around Guide by making it available on the property website and in printed format for front office or customer-facing staff.
22. The Applicant shall ensure the Transportation Coordinator subscribes to goDCgo’s hospitality newsletter.
23. The Applicant shall post “getting here” information in a visible and prominent location on the website with a focus on nonautomotive travel modes. The Applicant shall also provide links to goDCgo.com, CommuterConnections.com, transit agencies around the metropolitan area, and instructions for patrons discouraging parking on-street in RPP zones.

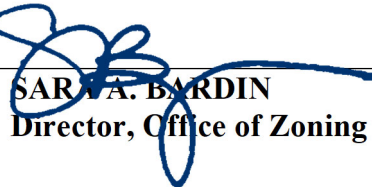
**BZA APPLICATION NO. 20303**  
**PAGE NO. 5**

24. The Applicant shall provide comprehensive transportation information and directions on the hotel website, including promoting the use of non-automotive modes of transportation and links to website for goDCgo, Capital Bikeshare, DC Circulator, and the Washington Metropolitan Area Transit Authority (WMATA).
  25. The Applicant shall provide brochures with information on non-automotive options for traveling to the property, and make them available at all times in a visible location in the lobby.
  26. The Applicant shall provide employees who wish to carpool with detailed carpooling information and refer them to other carpool matching services sponsored by MWCOG or other comparable service if MWCOG does not offer this in the future.
- B. The Applicant shall not permit the use of any outdoor amplification device that plays or projects music from the Project's rooftop terrace.

**VOTE: 4-0-1** (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Peter A. Shapiro to APPROVE; one Board seat vacant).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**  
A majority of the Board members approved the issuance of this order.

ATTESTED BY:

  
SARA A. BARDIN  
Director, Office of Zoning

**FINAL DATE OF ORDER:** November 17, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING

**BZA APPLICATION NO. 20303**  
**PAGE NO. 6**

THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.